

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII**

REED SAILOLA,)
Plaintiff,) CASE NO. 1:13-CV-00544 HG-RLP
vs.)
GILA, LLC d/b/a MUNICIPAL)
SERVICES BUREAU,) DECLARATION OF REED SAILOLA
Defendant.)

)

DECLARATION OF REED SAILOLA

1. My name is Reed Sailola. I am the Plaintiff in the above-styled case.
2. I was the Defendant in Case No. 1DTA-11-03671 in the First Circuit District Court for the State of Hawaii, Honolulu Division (“District Court”) and am the Appellant in the resulting appeal. I was represented by Attorney John Burge in Case No. 1DTA-11-03761. He also continues to represent me in the appeal of that matter.
3. I posted bail in an amount of \$1000 in Case No. 1DTA-11-03671.
4. At the end of my case in the District Court, the judge held that my bail would apply to the fines and fees that were imposed. Because the fines and fees were less than \$1000, I expected to get money back.

5. However, Mr. Burge also recommended that I appeal to which I agreed. My lawyer explained that, pursuant to Hawaii law, the bail would be continued, the sentence stayed, and that I would not have to pay any fines or fees or complete any other of the requirements until such time as the appellate court decided my case.

6. Mr. Burge filed the appeal on my behalf. After filing the appeal, Mr. Burge appeared in court on my behalf and confirmed that my bail was continued and the sentence was stayed.

7. The appellate court has not yet decided my case and the appeal is ongoing.

8. My cellular telephone number, during all times relevant to the instant case was (808) 864-4957.

9. Instead of that cellular telephone number, I provided (808) 737-7563 to the Hawaii authorities pertaining to Case No. 1DTA-11-03671.

10. Despite the stay of my sentence, the judge's instruction that bail would apply to any fines and fees imposed, and the fact that I did not provide my cellular telephone number, *i.e.*, (808) 864-4957, to the Hawaii authorities, Municipal Services Bureau ("MSB") began calling (808) 864-4957.

11. On one occasion, I spoke with a MSB representative. The MSB representative told me that MSB was attempting to collect a fine. I was confused

because I did not owe any fines. The MSB representative described facts that could only pertain to 1DTA-11-03671.

11. During this call, the MSB representative asked me if the number MSB had called me on was a good number to reach me. I told the representative “yes” because that was true. The MSB representative also asked if I was still located at my Honolulu address, to which I also answered “yes” because that was also true.

12. When confirming that the phone number MSB dialed was my telephone number where I could be reached, I did not consent to MSB continuing to call me. Similarly, in confirming my address, I did not invite MSB to my house. I simply confirmed that what the representative said was accurate.

13. During this call, I also specifically told the representative that I thought my attorney was handling this matter. I specifically told the MSB representative my attorney’s name, John Burge. I specifically told the MSB representative that I needed to talk to my attorney.

14. I did not inform MSB that it had my permission to continue calling my cellular telephone number. Instead, I told MSB I would call them back and not vice versa.

15. Nevertheless, MSB continued to call my cellular telephone on numerous occasions. On many of these occasions, MSB left a prerecorded voice

message on my voice mail. I preserved some of those recordings. True and exact copies of those recordings are contained on the disc attached as **Exhibit “C”**.

16. These calls did not stop until after I filed the instant lawsuit with this Court.

I, Reed Sailola, do declare under penalty of law that the fore-going is true and correct to the best of my knowledge.

DATED: Honolulu, Hawaii, December 3, 2014.

Reed Sailola
Reed Sailola